

FILED

MAY - 7 2019

CARMELITA REEDER SHIN
CLERK, U.S. DISTRICT COURT
BY: [Signature]
DEPUTY

UNITED STATES DISTRICT COURT

for the
Western District of Oklahoma

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

an Apple iPhone S, model A1633, FCC ID:
BCG-E2946A, IC: 579C-E2946, IMEI:
355686070371338, S/N FRDVM07EHFLM

Case No. MJ-19- 232 -GMP

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, which is incorporated by reference herein.

located in the Western District of Oklahoma, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, which is incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
21 U.S.C. § 1958(e)

Offense Description
Use of interstate commerce facilities, murder-for-hire

The application is based on these facts:
See attached Affidavit, which is incorporated by reference herein.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[Signature]

Applicant's signature

THOMAS J. OELSCHLAGER, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/7/19

City and state: Oklahoma City, Oklahoma

[Signature]

Judge's signature

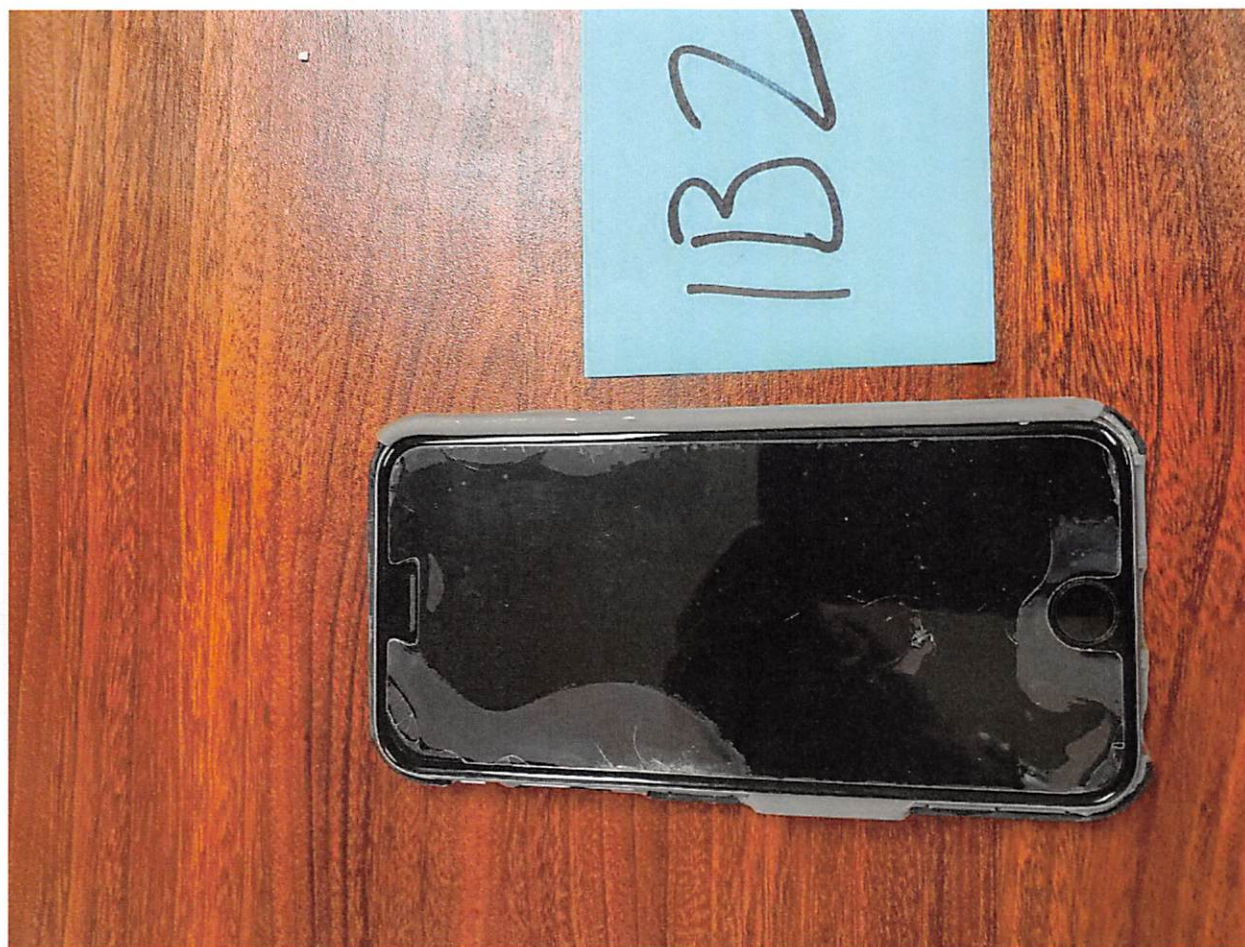
GARY M. PURCELL, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

DESCRIPTION OF DEVICES TO BE SEARCHED

An Apple iPhone S, model A1633, FCC ID: BCG-E2946A, IC: 579C-E2946, IMEI: 355686070371338, S/N FRDVM07EHFLM , which is depicted below:



TO
find

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Electronically stored media, information, communications, and other records including, but not limited to: the phone directory and/or contacts list, calendar, text messages, multi-media messages, e-mail messages, call logs, photographs, and videos.

TO
gmb

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Thomas J. Oelschlager, a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, have been duly sworn, depose and state as follows:

1. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and am empowered by law to conduct investigations of and to make arrests for offenses as set forth in 18 U.S.C. § 2516.

2. I have been employed as a Special Agent with the FBI since September 2018 and am currently assigned to the Woodward, Oklahoma Resident Agency of the Oklahoma City FBI Field Office. In that capacity, I am assigned to investigate all federal criminal matters, including violent crimes and murder-for-hire. Prior to joining the FBI, I was an Omaha Police Officer for four (4) years and was assigned to the Special Victims Unit. In that capacity, I was involved in a wide variety of investigative matters, including investigations targeting criminal enterprises and violent crimes. As part of my investigations, I have coordinated the execution of search and arrest warrants, conducted physical surveillance, coordinated with confidential sources and undercover officers, analyzed voluminous records relating the coordination of criminal activities and enterprises, spoken with informants and

subjects, as well as other local and federal law enforcement officers, regarding the manner in which criminals coordinate and execute criminal activities including violent crime.

3. I am investigating **Vernon Wayne Brock (BROCK)** for his role in using interstate commerce facilities in the commission of a murder-for-hire plot in violation of 18 U.S.C. §1958(a). 18 U.S.C. §1958(a) prohibits using or causing another to use (or conspiring to use or cause another to use) the mail or any facility of interstate or foreign commerce, with intent that a murder be committed in violation of the law of any state of the United States as a consideration for the receipt of, or as consideration for, a promise or agreement to pay anything of pecuniary value. I have personally participated in investigation and am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation referred to in this affidavit and information summarized in reports I have reviewed. I have compiled information derived from numerous discussions with experienced law enforcement officers, including Special Agents of the FBI and other law enforcement officers.

4. This Affidavit is submitted for the purpose of securing a search warrant authorizing a search of the following cell phone: an Apple iPhone S, model A1633, FCC ID: BCG-E2946A, IC: 579C-E2946, IMEI: 355686070371338, Serial Number FRDVM07EHFLM, assigned telephone

number: 580-430-1186 (**the SUBJECT DEVICE**) as further described in **Attachment A**, which is incorporated into this Affidavit by reference. The FBI has custody of the **SUBJECT DEVICE** in the FBI Oklahoma City Field Office evidence room. The FBI obtained custody of the **SUBJECT DEVICE** after taking it from **BROCK's** possession following the **BROCK's** arrest discussed herein. I am submitting this Affidavit in support of a search warrant authorizing a search of the **SUBJECT DEVICE** for the items specified in **Attachment B** hereto, wherever they may be found, and to seize all items in **Attachment B** as instrumentalities, fruits, and evidence of the aforementioned crimes. The sought warrant would authorize a review of electronic storage media seized, electronically stored information, communications, other records and information seized, copied, or disclosed pursuant to the warrant in order to locate any evidence, fruits, and instrumentalities of violations of the above-listed federal criminal statutes. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the seized, copied, or disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

5. Since this Affidavit is being submitted for the limited purpose of securing a search warrant as described above, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant. The information contained in this Affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records.

BACKGROUND OF INVESTIGATION

6. On March 29, 2019, Burl Simmons, who resides in Maize, Kansas, contacted the FBI Office in Wichita, Kansas. Burl Simmons reported that he was solicited telephonically by **BROCK**, to murder Krystal Adams and Michael Stone who reside in Oklahoma City, Oklahoma. **BROCK** resides near Alva, Oklahoma, which is located within in the Western District of Oklahoma. On March 29, 2019, Special Agent Keith Frutiger (also of the Woodward, Oklahoma Resident Agency) and I were contacted by the Wichita, Kansas Resident Agency since **BROCK** resides in Oklahoma. Special Agent Keith Frutiger and I spoke with Burl Simmons by phone. Burl Simmons stated that he and **BROCK** are business partners in a number of vape shops in Oklahoma. Burl Simmons stated that Krystal Adams was a former employee of their business and **BROCK** was upset with Krystal Adams after

Krystal Adams left the company. Burl Simmons said that approximately five weeks ago **BROCK** asked him to murder, or find someone to murder, Krystal Adams and her boyfriend, Michael Stone. Burl Simmons stated he is a member of an outlaw motorcycle gang and that **BROCK** knew he is a member of an outlaw motorcycle gang and that Burl Simmons hangs out with a “rough crowd.” Burl Simmons surmised that his connection to the outlaw motorcycle gang is why **BROCK** believed he is capable finding someone to commit murder.

7. Burl Simmons stated that approximately four weeks ago, he drove from Wichita, Kansas, met with **BROCK** in Oklahoma, and drove with him to Oklahoma City to conduct surveillance of Krystal Adams’ residence and establish a pattern of life for Krystal Adams and Michael Stone. Burl Simmons stated that while doing this, Krystal Adams spotted them outside her home in Oklahoma City and called **BROCK**. During the call, **BROCK** denied it was him outside of Krystal Adams’ home. Burl Simmons stated **BROCK** wanted him to murder Krystal Adams and Michael Stone by April 5, 2019.¹ Burl Simmons stated that during the course of the next several weeks, he attempted to ignore **BROCK**’s request. However, as April 5, 2019 approached, **BROCK** became more insistent.

8. On March 29, 2019, FBI Special Agents of the Oklahoma City Field

¹ April 5th is the birthday of Krystal Adams. During their relationship, **BROCK** made plans to take her on a trip for her birthday.

Office contacted Krystal Adams at her residence. Krystal Adams stated that she was a former employee of **BROCK** and had previously been in a sexual relationship with **BROCK**. Krystal Adams stated that **BROCK** was very upset with Krystal Adams and would constantly send her angry text messages. Krystal Adams stated that **BROCK** had planned to take her on a trip for her birthday on April 5, 2019. Krystal Adams stated that approximately four weeks ago, she saw **BROCK** parked in a vehicle outside her home and called him and asked if he was sitting outside her home. She claims, that **BROCK** denied it was him. Krystal Adams stated she is currently involved in a romantic relationship with Michael Stone.

9. On April 2, 2019 FBI Special Agents again spoke to Krystal Adams.; this time more in-depth regarding her relationship with **BROCK**. Krystal Adams stated that she worked for **BROCK** on and off for six years doing a variety of tasks including managing cattle, selling mineral rights, and most recently, working at his vape shop. Krystal Adams stated **BROCK** provided her with a company car as part of her employment at the vape shop. Krystal Adams stated she has engaged in sexual contact with **BROCK** several times and always under the threat of her not being paid. Krystal Adams stated her most recent sexual contact with **BROCK** was in Kansas City approximately six months ago. Krystal Adams explained that she traveled to Kansas City with **BROCK** to meet a possible investor in his medical marijuana

business. According to Krystal Adams, **BROCK** threatened to fire her and take away her company car if she did not engage in sexual contact with him. Krystal Adams indicated that during the Kansas City trip timeframe, she had been dating Michael Stone, for approximately eighteen (18) months, but they had broken up for a short time. After the Kansas City trip, Krystal Adams grew tired of **BROCK's** treatment and again began dating Michael Stone. Krystal Adams indicated that she did not believe **BROCK** wanted to be in an exclusive relationship with her, but instead wanted the ability to have sex with her whenever he wanted.

10. According to Burl Simmons, **BROCK'S** cellular telephone number is (580) 430-1186. On April 1, 2019, FBI Special Agents in Wichita, Kansas conducted a recorded phone call placed by Burl Simmons to **BROCK'S** cellular telephone number (580) 430-1186. In that recorded call, Burl Simmons advised **BROCK** that Burl Simmons had located a local guy to commit the homicide for \$5,000. During the phone call, **BROCK** and Burl Simmons discussed using a bomb. Rebuffing that idea, **BROCK** stated that using a bomb would involve government agencies like the ATF. **BROCK** indicated that it would be cleanest to shoot the victims so that less agencies get involved. **BROCK** asked Burl Simmons "Are they going to thump her [Krystal Adams] around a little bit? And do him [Michael Stone]? Cause that's what I wanted." **BROCK** further stated, "I want them to wack her hair enough that she will

have to get it all cut off.” When Burl Simmons asked **BROCK** about killing Krystal Adams to prevent witnesses, **BROCK** stated, “Uh, could. No, well, if they’ve got some kind of mask on she’s not going to be able to...well they will have to use their judgement.” When asked about killing Michael Stone, **BROCK** stated, “I’d rather do him, thump her and I mean thump her hard. And tell her if she says one word to the cops about anything there will be someone come back to get her and her kids.” **BROCK** further explained, “He’s [Michael Stone] the one I want” and identified that Michael Stone drives a red Hummer. **BROCK** stated, “I assume these guys will be smart enough not to park right in front of her house, ‘cause if there is a camera situation...I would park west.” **BROCK** also stated, “My preference is to thump the shit out of her, nail him, and tell her, ‘We’ll be back for a million dollars and you better fucking have it. So you say anything to the cops...you better tell ‘em you don’t know nothing or we’ll start on the kids. Cause that’s her most prized possession is her kids.” Still discussing the logistics, **BROCK** also stated, “I don’t know if the best thing to do is to take duct tape, cause there’s going to be those two littler kids there, and duct tape them up and put them in a room to where they can’t go nowhere, but if he goes to the school, like he did when we were there.” Burl Simmons offered to have a picture taken after the incident and **BROCK** responded, “Well, I don’t know if that’s good or not, ya know cause if they show up on my, well they can take the picture and one of these days, I may take a

look at it on somebody else's phone or something."

11. On April 1, 2019, FBI Special Agents in Wichita, Kansas conducted a second recorded phone call placed by Burl Simmons to **BROCK'S** cellular telephone number (580) 430-1186. Burl Simmons told **BROCK** the people hired to murder Krystal Adams and Michael Stone would be going to Oklahoma City on the night of April 1, 2019 to murder Krystal Adams and Michael Stone. During that phone call, Burl Simmons and **BROCK** discussed the logistics of payment for the job. Burl Simmons explained to **BROCK** that the hired murderers were driving from Kansas and would be returning to Kansas after the murder in Oklahoma City was committed. Burl Simmons explained to **BROCK** that a car would be parked in Alva, Oklahoma on the morning of April 2, 2019 with a partially rolled down window and **BROCK** was to drop \$5,000 into the window and leave the area. Burl Simmons told **BROCK** that he would be contacted the morning of April 2, 2019 with the description and location of the vehicle.

12. On April 2, 2019, FBI Special Agents in Wichita conducted an additional recorded phone call where **BROCK** called Burl Simmons from **BROCK'S** cellular telephone number (580) 430-1186. Burl Simmons advised **BROCK** that a red Hummer was not seen at Krystal Adams' house the previous night but they had seen a guy there. Burl Simmons requested a picture of Michael Stone to ensure they had the right person. **BROCK** agreed

to send a picture. During the call Burl Simmons asked, "It's [Michael Stone]? That's the guy we want dead, right?" **BROCK** replied, "[Michael Stone] Yes." In that same call, **BROCK** and Burl Simmons discussed **BROCK** giving Burl Simmons a check to cover the cost of the murder. In turn, Burl Simmons would pay the individuals hired for the murder. Specifically **BROCK** stated, "I didn't want a trail coming straight to me. Ya know, so I got a check from Big E's, gave them money, got a check back, and I got loan on there. So I'll give you a check and you turn it into \$5000 to take care of these fellas." **BROCK** then advised, "That's probably better than these guys showing up in Alva, Oklahoma where Wichita's where they're used to. You can leave the money anywhere you want to." **BROCK** then asked, "What do you want me to do with this check deal then?" Burl Simmons questioned if **BROCK** was coming to Wichita the next day anyway and **BROCK** replied, "Yeah." **BROCK** later asked, "Do you know what their plan was? Are they going to go in and get them in the morning or get them coming out at night?" Burl Simmons responded that it would depend on when Michael Stone was there. **BROCK** added, "The main thing is for them to throw the scent off of everything. Is for them to say to him, "You motherfucker, something like, you owe us a million dollars for the drugs. Cause that throws the scent off of me and you and everybody else. Like he's doing some kind of drug deal that no one knows anything about. Ya follow me?" **BROCK** continued to explain the drug ploy saying, "What they want to

say to him is, “You motherfucker you didn’t pay us for our drugs or something like that, and you owe us a million dollars, then pop, before he has anything to say either way.” Burl Simmons clarified, “But [Michael Stone]...for sure dead?” and **BROCK** responded, “[Michael Stone] is...[Michael Stone’s] not surviving the storm.” After the call ended **BROCK** sent a photograph of a Facebook page showing Michael Stone’s picture and displaying his name.

13. A few minutes later, FBI Special Agents conducted another recorded call between Burl Simmons and **BROCK** using phone number (580) 430-1186. During that call, Burl Simmons stated he received the picture **BROCK** had sent and **BROCK** stated, “Well, that’s him. (unintelligible)... was nice enough to put his name under it and I’m gonna delete that off my phone now.” **BROCK** then started to describe another man and a potential plot in saying, “This other dickhead, the one in Texas, we’ll get him, but we’ll give them, we’ll let them rest until May and do that one.” When describing what the murderers may say to Krystal Adams, **BROCK** explained, “If you say, “I know where your fucking daughter lives, I know where your folks live, you know, you can’t hide from us, so you come up with the money. And then you’ll want her not to tell the cops anything.” On the evening of April 2, 2019, Burl Simmons received a text message from **BROCK**, using telephone number (580) 430-1186, asking to move their meeting location the following day from Wichita, Kansas to Anthony, Kansas or Harper, Kansas.

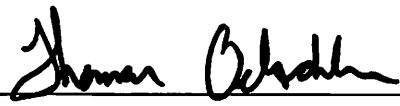
14. On April 3, 2019 at approximately 10:45 a.m., FBI Special Agents surveilled a meet-up between Burl Simmons and **BROCK** at the Red Rooster Cafe in Harper, Kansas. Following the meeting, law enforcement observed **BROCK** exit Red Rooster Café, enter a white 2019 Ford F-150 bearing Oklahoma license plate CSJ-859, and leave Harper, Kansas. Agents followed **BROCK** until he turned south on US Highway 281 in Medicine Lodge, Kansas at approximately 11:50 a.m. After leaving the meeting at the Red Rooster Cafe, Burl Simmons met with FBI Agents and provided them with a sealed envelope that was given to him by **BROCK**. Inside that envelope, agents discovered a check from Big E Vapor Shop made out to Burl Simmons. The check, dated April 2, 2019, was for \$5000.00, stated “loan” on the memo line. The signor of the check was listed as Vernon Brock.

15. At approximately 12:18 p.m., FBI Agents observed **BROCK** driving southbound on US Highway 281 approximately seven miles north of Alva, Oklahoma. At approximately 12:24 p.m., Woods County, Oklahoma Sheriff's deputies and FBI Special Agents conducted a traffic stop on **BROCK**'s vehicle, the white 2019 Ford F-150 bearing Oklahoma license plate CSJ-859, at approximately US Highway 281 and Park Lane. This intersection is located on the north end of Alva, Oklahoma. Given the murder-for-hire discussions over the cellular telephone, the text messages received from **BROCK**, combined with the check given to Burl Simmons for the agreed upon

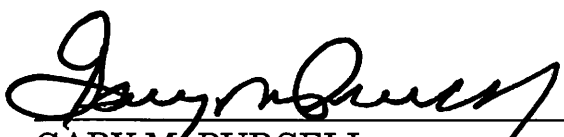
amount, FBI Special Agents placed BROCK under arrest.

CONCLUSION

16. Based on the above information, there is probable cause to believe that a violation of 18 U.S.C. § 1958(a) has occurred, and that evidence, fruits, and instrumentalities of this offense are located on the **SUBJECT DEVICE**. Therefore, I respectfully request that this Court issue a search warrant for the **SUBJECT DEVICE**, authorizing the seizure of the items described in **Attachment B**.


THOMAS J. OELSCHLAGER
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 7th day of May, 2019.


GARY M. PURCELL
United States Magistrate Judge

ATTACHMENT A

DESCRIPTION OF DEVICES TO BE SEARCHED

An Apple iPhone S, model A1633, FCC ID: BCG-E2946A, IC: 579C-E2946, IMEI: 355686070371338, S/N FRDVM07EHFLM , which is depicted below:



TO
amb

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Electronically stored media, information, communications, and other records including, but not limited to: the phone directory and/or contacts list, calendar, text messages, multi-media messages, e-mail messages, call logs, photographs, and videos.

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